FILED
U.S. DISTRICT COURT
DISTRICT OF MARYLAND

2017 MAR 20 AM 10: 32

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In the United States District Court
For the District Court of Maryland
Civil Division
At Baltimore

Ilya Braude,

Case No.: 1:2017cv00364

Plaintiff

vs.

Alla Vilnyanskaya,

Defendant

Motion to Dismiss for Failure to state a claim

Pursuant to FRCP 12(b)(6) Failure to State a Claim for which Relief can be Granted, the defendant hereby moves the court to dismiss the Plaintiff's complaint with prejudice. The basis for this motion are set forth in the accompanying memorandum.

Dated this 17th day of March, 2017

Alla Vilnyanskaya

Facts

Ilya Braude and Alla Vilnyanskaya met through a family acquaintance of Mr. Braude's Alexander Pantelyat, M.D. in 2008. The two parties engaged in a sexual relationship for the duration of approximately eight months. Ms. Vilnyanskaya moved into Mr. Braude's apartment for a short period of time towards the end of their relationship. Ms. Vilnyanskaya and Mr. Braude attended the same overnight camp as kids and share many friends and acquaintances. After the termination of the relationship, Ms. Vilnyanskaya initially made contact with Mr. Braude once at the request of someone in her family to notify Mr. Braude and Mr. Pantelyat of a funeral. Ms. Vilnyanskaya did not initiate contact with Mr. Braude for over a year after their break up and only did so out of a courtesy. During this time, Mr. Braude offered to return to Ms. Vilnyanskaya a set of dishes, which she had forgotten in his apartment, only later retracting that offer after a brief meeting and to the best of Ms. Vilnyanskaya's knowledge, throwing them out. Mr. Braude reassured Ms. Vilnyanskaya that he had nothing, but the best intentions for her and asked her to "give him a call" if she was ever in need of help.

Argument

Mr. Braude's complaint states that Ms. Vilnyanskaya owes him in excess of $150,000 for defamation, and invasion of privacy resulting in what he is asking for in equitable relief. The complaint fails to show any specifics within regards to the actual monetary damages that the plaintiff says he has suffered. Significantly there is a time lapse between the alleged posts made by the defendant, during which a negligence on the plaintiffs' part in personal and professional relationships caused the lapses for which he is asking in equitable relief. The defendant has made every good will effort to make good with the plaintiff, and while some of the communication may have been influenced by the defendants' duress, the claims made in the plaintiff's statement of negligence and malice are vague making false assumptions and deductions. Additionally Ms. Vilnyanskaya's accounts were repeatedly hacked; the last hack occurring as recently as January 25th, 2017. As Mr. Braude has made veiled threats to hack Ms. Vilnyanskaya's online accounts in the past, she has good reason to believe that he may be responsible for this. The Plaintiff's claims of defamation are false, as he has repeatedly threatened Ms. Vilnyanskaya with murder, sexual assault, beatings and intimidated her with other forms of emotional abuse. The plaintiff has sexually assaulted Ms. Vilnyanskaya. The plaintiff maintains that he is a private person, but his reputation in business proves otherwise. Defendant has good reason to believe that plaintiff has hacked into her personal accounts and she has taken necessary steps in reporting these crimes for investigation as well as securing a temporary restraining order against Mr. Braude in NYC. Additionally, Because the issue at hand is of intimate partner violence and the claims to actual monetary damages are vague, as well as Ms. Vilnyanskaya current health condition, Ms. Vilnyanskaya does not believe that the Federal Court of Maryland is the proper venue for this complaint. As Mr. Braude has repeatedly shown controlling and unstable behavior, she continues to be scared for her life. Other parties not mentioned in the complaint and who would significantly impact the nature of the case are omitted.

Conclusion

For the reasons states above, the defendant's motion to dismiss with prejudice should be granted.

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Certificate of Service

I Alla Vilnyanskaya certify that I have sent a copy of this motion to the Plaintiff's Ilya Braude council.

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Alla Vilnyanskaya

March 17, 2017